



Agenda Date: 9/26/01  
Agenda Item: 3A

## **STATE OF NEW JERSEY**

### **Board of Public Utilities**

*Two Gateway Center  
Newark, NJ 07102*

#### CABLE TELEVISION

IN THE MATTER OF AN INQUIRY INTO THE ) ORDER  
OPERATIONS OF RCN OF NEW JERSEY )  
) DOCKET NO. CX01070460

Philip J. Passanante, Esq., Princeton, New Jersey, on behalf of RCN of New Jersey.

Alampi, Arturi, D'Argenio & Guagliardi, Englewood Cliffs, New Jersey, by Robert G. Goode, Esq., on behalf of RCN of New Jersey.

BY THE BOARD:

RCN of New Jersey ("RCN"), a franchised cable television system operator with its principal office located at 105 Carnegie Center, Princeton, New Jersey 08540-6215, provides cable television services to approximately 80,799 New Jersey subscribers in 31 communities throughout Hunterdon, Mercer, Morris and Somerset Counties.

The Board, and the Director of the Office of Cable Television, under the supervision of the Board and pursuant to N.J.S.A. 48:5A-9, have the full right, power, authority and jurisdiction to:

- a. Receive or initiate complaints of the alleged violation of any of the provisions of the Cable Television Act ("Act") N.J.S.A. 48:5A-1 et seq., or any of the rules and regulations made pursuant to the Act or of the terms and conditions of any municipal consent granted pursuant to the Act; and for this purpose and all other purposes necessary to enable the Director to administer the duties of the office as prescribed by law may hold hearings and shall have power to subpoena witnesses and compel their attendance, administer oaths and require the production for examination of any books or papers relating to any matter under investigation at any such hearing;
- b. Supervise and regulate every cable television company operating within this State and its property, property rights, equipment, facilities, contracts, certificates and franchises so far as may be necessary to carry out the purposes of the Act, and to do things, whether herein specifically designated or in addition thereto, which are necessary or convenient in the exercise of such power and jurisdiction;
- c. Institute all proceedings and investigations, hear all complaints, issue all process and orders, and render all decisions necessary to enforce the provisions of the Act; of the rules and regulations adopted thereunder, or of any municipal consents issued pursuant to the Act;

- d. Institute, or intervene as a party in, any action in any court of competent jurisdiction seeking mandamus, injunctive or other relief to compel compliance with any provision of the Act, of any rule, regulation or order adopted thereunder or of any municipal consent issued thereunder, or to restrain or otherwise prevent or prohibit any illegal or unauthorized conduct in connection therewith.

The Federal Communications Commission ("FCC") customer service obligations, as outlined in 47 U.S.C. § 76.309, require a cable operator, to among other things:

1. Maintain a local, toll free or collect call telephone access line which will be available to its subscribers 24 hours a day, seven days a week, with trained company representatives available to respond to customer telephone inquiries during normal business hours.
2. No less than ninety (90) percent of the time, under normal operating conditions, measured on a quarterly basis, telephone answer time by a customer representative, including wait time, shall not exceed thirty (30) seconds when the connection is made. If the call needs to be transferred, transfer time shall not exceed thirty (30) seconds.
3. Under normal operating conditions, the customer will receive a busy signal less than three (3) percent of the time.

These requirements do not apply during operating conditions that are beyond the control of the cable operator. The FCC defines such conditions to include, but not be limited to, natural disasters, civil disturbances, power outages, telephone network outages and severe or unusual weather conditions.

The Board, after conducting service hearings in the Borough of Princeton on September 6, 2001 and in the Township of Clinton on September 10, 2001, and having received the comments of dozens of witnesses concerning, among other things, the adequacy of RCN's cable television and customer service, HEREBY FINDS it is appropriate to conduct an inquiry focusing first on telephone performance and any measures necessary for remediation, to begin addressing the numerous complaints heard concerning subscriber difficulty in contacting the company by telephone.

Therefore, initially, to address the issue of telephone performance, the Board HEREBY ORDERS RCN to:

1. Within 15 days of the date of this Order, submit to the OCTV its Customer Service Representative ("CSR") training program reference material, the amount of calls taken per day by each CSR for each separate customer service number and customer service center location that serves New Jersey customers, a 24 hour 7 day per week CSR staffing schedule for each and every customer calling center that serves New Jersey customers showing the number of CSRs working at any hour of the day at each call center, the total number of CSR commendations and reprimands for 2001 to date by call center and in total, and productivity levels of the entire CSR unit.

2. Within 30 days of the date of this Order, engage the services of its local and interexchange telephone service provider(s) (e.g., Sprint/United, Verizon, AT&T) to perform a telephone traffic and busy study of all incoming local and interexchange telephone trunks and customer service numbers that serve New Jersey customers to determine, among other things, whether RCN has sufficient incoming trunks and direct inward dialing ("DID") numbers in its customer calling center(s) to meet peak traffic demands. The cost of these studies shall be borne by RCN. RCN shall file copies of the results and recommendations with the Board and the OCTV.
3. Within 15 days of the date of this Order, identify a list of three (3) qualified and unaffiliated telephone service consultants for the potential later selection by the OCTV to conduct an examination of RCN's telephone service center facilities, equipment and staffing to determine adequacy and recommend changes to its telephone and call management equipment, switching, routing and software, incoming telephone facilities, and center staffing to meet or exceed the FCC customer service guidelines.
4. Within 30 days of the date of this Order, examine and report to the Board the feasibility of establishing a dedicated, toll free, hot line number, so that subscribers can receive accurate information on the status of the rebuild activity on-going now and eventually resuming in all 31 municipalities that it serves, and when such activity may affect their service.

In addition, RCN is FURTHER ORDERED to file with the Office of Cable Television, by October 5, 2001, a detailed plan of its commitment to spend \$50 million to upgrade and/or rebuild the facilities in the 31 municipalities it serves over the next three years. A copy of that plan shall be made available to the mayor of each municipality.

Following receipt of the foregoing studies and information, the Board shall review the results and if necessary, take steps to ensure that RCN's telephone customer service is within operable FCC customer service guidelines, and is consistent with the provision of safe, adequate and proper service to its New Jersey subscribers. The Board reserves its right to determine what, if any, further action involving RCN will be necessary to assure that RCN's overall operations are consistent with the provision of safe, adequate and proper service to its New Jersey subscribers.

DATED: October 4, 2001

BOARD OF PUBLIC UTILITIES  
BY:

(signed)

CONNIE O. HUGHES  
PRESIDENT

(signed)

FREDERICK F. BUTLER  
COMMISSIONER

(signed)

CAROL J. MURPHY  
COMMISSIONER

ATTEST:

(signed)

FRANCES L. SMITH  
BOARD SECRETARY